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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,726	12/03/2001	Leonardo W. Estevez	TI-31035	7169
23494	7590	04/25/2006	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			DINH, TAN X	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/998,726	Applicant(s) ESTEVEZ, LEONARDO W.	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38, 39 and 43 is/are allowed.
- 6) ☒ Claim(s) 1-27, 29-37, 40-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

- 1) The amendment filed 2/14/2006 is acknowledged.
- 2) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The “ DISC OR FLASH STORAGE 204 ” in figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d).

If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

4) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5) Claims 1-25,27,29-31,36,37 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by MIN-JAE (6,222,807).

The rejection of claims 1-25,27,29-31,36,37 and 42 in previously Office action is repeated herein.

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7) Claims 26, 32-35,40,41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over MIN-JAE (6,222,807).

The rejection of claims 26, 32-35,40,41 and 44 in previously Office action is repeated herein.

8) Claims 38,39 and 43 are allowed.

9) Applicant's arguments filed 2/14/2006 have been fully

considered but they are not persuasive.

First, applicant states that “ The D/A converter 33, amplifier 34 and speaker 35 illustrated in Figure 3 of Min-Jae are part of recording/playback apparatus 10 and not part of portable apparatus 50.” is not understood. The claim (claim 1) did not specific recites the self-contained include a separate portable music player and a based connector or the self-contained having a portable music player includes a based connector, therefore, examiner interprets the based connector could be included in the self-contained portable music or separately. If the based connector includes in the portable music player then the feature of “ An analog output connection connected to said audio coder-decoder for supplying analog music [to an external based] (*this feature has been deleted from claim 1*) for amplification and reproduction via speakers ” can be seen in Min-Jae’s figure 4, analog output 66, amplifier 67 and speaker 68.

Second, applicant states that the connection between portable device 50 and base unit 10 in reference of MIN-JAE is digital and not an analog connection since the information data (music) are stored on hard disks 15 and 54 are digital information data. This is not found persuasive.

The information data (music) of this instant application are stored on disc drive 111 (CD player, figure 1) or flash memory 104, these medium are typical of digital information data storage medium (the music are stored inform of tracks on CD or files on flash memory), which is the same form of information data on MIN-JAE's music player. This is clearly indicated that the information data exchanges between two or more digital storage devices do not necessary having a digital connector. Further, in column 14, lines 40-46 MIN-JAE teaches that " By putting the connectors 27 and 60 in an engaged state, the recording/playback apparatus 10 is electrically connected to the portable apparatus 50 ". This connector is analog connector. Accordingly, claims 1 and 25 are still read on the reference of MIN-JAE.

Third, applicant states that claims 2,14,36,38 and 40 require that a volume control input made at the self-contained, portable music player be converted to volume control data, that volume control data be transmitted to the base unit which controls the amount of amplification at the base unit. However, these features are not exist in claims 2,14,36,38 and 40. As far as interpreted by the Examiner, the languages in these claims means that, in base mode the audio from memory can be reproduced on speakers of base unit. This feature is shown in MIN-JAE's portable audio player

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since the audio data from both portable player 50 and base unit 10 can be exchangeable and played back at speaker 35 of base unit 10.

Fourth, applicant states that Min-Jae includes no teaching that recording/playback apparatus 10 transmits an analog signal to portable apparatus 50 as required by the above quoted portions of claims 13 and 25. As far as interpreted by the Examiner, the languages of claim 13, such as, “ a tuner for receiving and demodulating analog audio signals ” and “ tuner supplying analog signals to base unit analog output connector ” (claim 13) and “ a base unit analog output connection connected to tuner to output demodulated analog audio signals ” do not mean that the recording/playback apparatus 10 transmits an analog signal to portable apparatus 50 as applicant argued. These features simply means the base unit includes a radio tuner for receiving broadcast signal, demodulates this broadcast signal and output to speakers in the base unit. This feature is clearly shown in Min-Jae's portable audio player wherein the radio signal is received and outputted at speaker 35.

Fifth, the bidirectional data bus of claims 29-31 is shown in Min-Jae's figures 3 and 4, the data bus for connecting between portable player 50 and base unit 10. It is noted that the data between portable player 50 and base unit 10 are exchangeable which

means that the panel operation unit 56 in portable player 50 could be used to control the operation of the base unit 10. This reason is also applied to claims 37,39,42 and 43.

Sixth, claims 38,39 and 43 have been allowed by the examiner and no further discussion on those claims are seem necessary.

Seventh, applicant states that claim 42 recites the negative limitation such as " base unit having no input for station selection ". However, this negative limitation feature does not exist in claim 42, therefore, no further discussion is seem necessary.

Eighth, the reason for rejecting of claims 26,32-35,40,41 and 44 are clearly provide in last Office action (it is noted that, pre-amplifier and amplifier are included in every audio player since without these devices the audio cannot be reproduced at the speakers.

Ninth, claims 32-35 and 44 recite the negative limitation such as " base unit includes no volume control input ". It clearly obvious to someone within the level of skill in the art to eliminate the volume control input on the base unit 10 of Min-Jae's portable audio player since to eliminate any desirable elements on audio player is just a matter of design choice.

For those reasons, claims 1-27,29-37,40-42 and 44 are still rejectable as shown above.

10) THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN Xuan DINH whose telephone number is (571) 727-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

April 19, 2006